

REMARKS

Applicant has canceled claims 16-17 and amended all remaining claims 5-7 and 18-19. All remaining claims 5-7 and 18-19 were rejected as obvious over Kalmanides (5,613,607) in view of Draenert (4,671,263), Elwell (1,515,560), Reid (5,975,322), Foster (5,810,209), Silk (7,198,169) and Schwartz (4,305,180).

Claim 5, which was amended, describes a cake container base having outward-projecting dimples (26, applicant's Fig. 1) and a transparent plastic sheet cover having outward deformed dimple-receiving regions (32). Fig. 2 shows that each dimple-receiving region (32) of the cover includes a chimney (52) that can receive a dimple by lowering the cover. Each dimple-receiving region also includes a cavity (54) that can receive a dimple from an upper portion (60) of the chimney by turning the cover after it has been lowered. The construction of the base and cover of deformed plastic sheets allows the dimples (26) and dimple-receiving regions (32) to deflect to allow the dimples to fit into the dimple-receiving regions despite manufacturing tolerances. Also, the transparent cover allows a person to see the dimples (26) as the person turns the cover to force the dimples to enter the cavity (54).

Claim 5 was rejected on Kalmanides in view of Draenert, Elwell, Reid, Foster, Silk, and Schwartz. Kalmanides shows, in his Fig. 2, a plastic sheet base member 21 with a cam surface 43 and with a locking ledge 40 formed by inwardly deforming the cylindrical surface of his base. He also shows a plastic sheet cover 22 that is deformed to form a flange 30. His Fig. 9 shows that when his cover is turned, the cover flange 30 moves under his locking ledge 40 until it hits a stop 41 that prevents further cover turning. Kalmanides can be difficult to understand, and applicant has included a drawing herewith that better shows the flange under the locking ledge 40. His Figs. 16 and 25 show alternate embodiments.

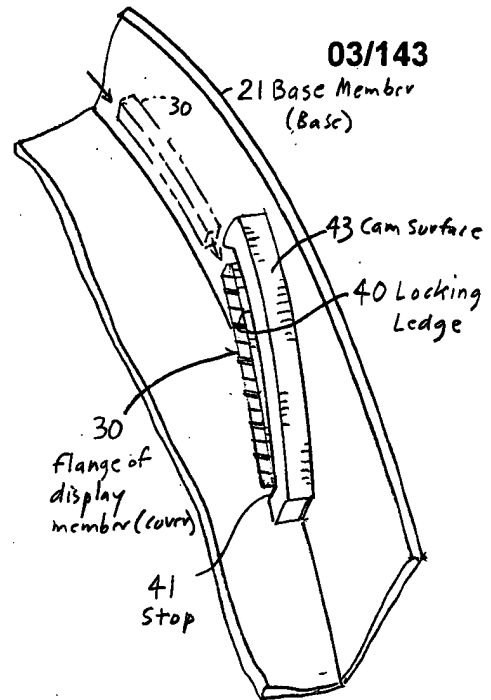
The flange 30 (his Fig. 9) of Kalmanides may be considered to be a dimple, but it is not received in a chimney formed in his plastic sheet. Kalmanides certainly does not show a cavity in his plastic sheet cover that receives his flange after his cover is lowered, so his dimple will lie at the top of a chimney and his cover can be then turned.

Draenert shows a medical device for mixing cement that repairs broken bones. His Fig. 1 shows a channel (14), but his channel appears cut in the walls of his tube rather than being constructed by outward deformation of a transparent plastic sheet. The other references also do not show more than Draenert shows.

Claim 6, which depends from claim 5, describes a narrowing transition location (62 in applicant's Fig. 2) in the deformed plastic sheet which the dimple must pass through in order to pass from the cavity (54) to the top (60) of the chimney. The narrowing (at 62) resiliently resists turning of the cover to open the container, but the fact that the narrowing is in a deflectable plastic sheet assures passage of the dimple despite manufacturing tolerances. Schwartz shows a narrowing (34, his Fig. 2) cut in a coupling nut of steel or hard plastic, but not in a resilient plastic sheet.

Claim 7, which depends from claim 6, describes the narrowing being in a direction that is radial to the vertical container axis (18, Fig. 1). Applicant's Fig. 6 shows a dimple at 26A that has been moved to 26B to lie in the cavity 54. The restriction 62 that resists such movement is a radially inward (I) deflection of the plastic sheet so the passage radial width is reduced to distance "E".

None of the references suggests a narrowing in a direction radial to the



Representation of  
Kalmanides 5,613,607

container vertical axis, which is easier to do for a plastic sheet. Even Schwartz shows a nut with a narrowing in a circumferential direction rather than a radial direction.

5 Claim 18 describes base and cover members (14, 16, Fig. 1), each formed of a plastic sheet and centered on a vertical axis (18). A first of the members has dimples (26) and the second member forms a recess (at 32). The second member forms a chimney (52 in Fig. 2) that receives the dimple. The second member also forms a cavity (54) and forms a transition location (62) between the chimney and cavity. The transition location has a constriction (e.g. shown at 62 in Fig. 6 where its radial depth is E) to resist turning the base on the cover.

10 As discussed above for claim 6, none of the reference shows a separate cavity or a constriction (62, applicant's Fig. 2) between such a cavity and the chimney, formed in a plastic sheet.

15 Claim 19, which depends from claim 18, describes the transition location (62 in Fig. 6) as having a smaller radial depth (E for transition 62) than the depth of the dimple-receiving cavity (54 of depth H). None of the references shows a transition location between a cavity and chimney, that narrows in radial depth.

20 In view of the above, favorable reconsideration of the application is courteously requested.

Respectfully submitted,



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